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Dated: September 18, 2003 Signature: *Pamela Tincha*

(Pamela Tincha)

Docket No.: HO-P02228US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David L. Evans, et al.

Application No.: NOT YET ASSIGNED

Confirmation No.:

Filed: September 18, 2003

Art Unit: N/A

For: PROSTHETIC DEVICES EMPLOYING  
OXIDIZED ZIRCONIUM AND OTHER  
ABRASION RESISTANT SURFACES  
CONTACTING SURFACES OF CROSS-  
LINKED POLYETHYLENE

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

A copy of each reference on PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an

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admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-P02228US1. A duplicate copy of this paper is enclosed.

Dated: September 18, 2003

Respectfully submitted,

By 

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	NOT YET ASSIGNED
				Filing Date	September 18, 2003
				First Named Inventor	David L. Evans
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	HO-P02228US1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	US-4,932,969	06-12-1990	Frey et al.	
	AB	US-5,037,438	08-06-1991	Davidson	
	AC	US-5,152,794	10-06-1992	Davidson	
	AD	US-5,180,394	01-19-1993	Davidson	
	AE	US-5,370,694	12-06-1994	Davidson	
	AF	US-5,401,269	03-28-1995	Bittner-Janz et al.	
	AG	US-5,514,180	05-07-1996	Heggeness et al.	
	AH	US-6,562,072	05-13-2003	Fuss et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA	WO-98/01085	01-15-1998	The Orthopaedic Hospital et al.		
	BB	WO-98/42390	10-01-1998	Smith & Nephew, Inc.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	LEWIS, GLADIUS, "Properties of Crosslinked Ultra-High Molecular Weight Polyethylene," Biomaterials, Elsevier Science Publishers BV., Barking, GB, Vol. 22, no. 4, February 15, 2001, pp. 371-401.	
	CB	Swarm Orthopedic, Patient/Clinician Information: SB Charite Intervertebral Dynamic Disc Spacer, <a href="http://www.linkspinegroup.com/us/disctext.htm">www.linkspinegroup.com/us/disctext.htm</a>	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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